

# Electronic Health Networks (EHNs)



# What a Certifying Agency Does

- Determines criteria and standards and assesses compliance with claims submission entities to meet regulatory guidelines
- Has defined period of time for Certification (two years)

# What are the Certifying Criteria?

- The criteria for evaluating claims submission entities falls into 4 categories:
  - Privacy and Confidentiality
  - Security
  - Technical Processes
  - Business Processes

# Privacy and Confidentiality Criteria

- Ensures compliance with HIPAA Privacy Rule
- Ensures appropriate administrative, technical and physical safeguards relating to the confidentiality of protected healthcare information (PHI)
- Ensures proper confidentiality agreements with partners are in place

# Security Criteria

- Ensures compliance with the HIPAA Security Rule
- Ensures confidentiality, integrity and availability of electronic PHI
- Ensures against threats and vulnerabilities
- Ensures proper authentication and audit controls are in place
- Ensures encryption of electronic PHI is in place

# Technical Process Criteria

- Ensures appropriate communication of messages and electronic records
- Ensures capacity monitoring and planning

# Business Process Criteria

- Ensures proper education and training
- Ensures effective customer communication

# Who Provides Certification or Accreditation for EHNs ?

- Maryland Health Care Commission
- Electronic Health Network Accreditation Commission (EHNAC) or similar qualified accreditation or certification organization





# MHCC Role in Certification of EHNs

- In addition to a qualified accreditation or certification organization, MHCC has additional criteria to validate that the EHNs operating within Maryland provide appropriate safeguards and meet regulatory requirements

# Maryland COMAR Regulations

“Title 10” Department of Health and Mental Hygiene

“Subtitle 25” – Maryland Health Care Commission

“Chapter 07” – Certification of Electronic Health Networks and Medical Claims Clearinghouses

# COMAR 10.25.07

- Provides for the certification of electronic health networks and medical care electronic claims clearinghouses that operate in Maryland
- Payers that accept electronic health care transactions originating in Maryland may only accept electronic health care transactions from electronic health networks or medical care electronic claims clearinghouses that obtain certification pursuant to this regulation

# COMAR 10.25.07 (cont.)

- Certification is good for two years
- Requires accreditation or certification from a nationally-recognized qualified organization
- MHCC fee
- Shows compliance with HIPAA Privacy standards
- Shows compliance with HIPAA Security standards

# COMAR 10.25.07 (cont.)

- Provides measures of technical performance
- Shows proof of ongoing training in HIPAA Privacy and Security requirement procedures
- Shows proof of customer communication procedures
- May need to provide additional information as requested

# COMAR 10.25.07 (con't)

## ➤ Notice required when:

- Certified EHN has been closed, sold, leased, assigned or transferred within 30 days of event
- Change of name 60 days prior to name change
- Change of address 60 days prior to address change

# Who is Responsible for Making Sure the EHN is Certified?

- Payers are responsible for using MHCC–Certified EHN's
- If the EHN is not MHCC–Certified, payers should stop processing EHN claims
- Payer will pay a penalty of \$1,000 per day for continued use of non MHCC–Certified EHN

# What You Can Do

- Ensure that the EHN you use is MHCC–Certified
- If you seek doing business with an EHN that is not MHCC–Certified, insist that the EHN become MHCC–Certified
- Propose moving electronic transactions to a MHCC–Certified EHN



# Questions?

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